

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Texas

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Additional Remedies: Describe the criteria (as required at §1919(h)(2)(A)) for applying the additional remedy. Include the enforcement category in which the remedy will be imposed (i.e., category 1, category 2, or category 3 as described at 42 CFR 488.408).

Procedures Following Termination of the Provider Agreement. When a facility's provider agreement is terminated by DHS, the department will not enter into a provider agreement with the facility until 30 days have expired. The facility will be notified according to the requirements in 42 CFR 488.402. If the facility reapplies for a provider agreement, DHS conducts an on-site visit to determine if the facility is complying with Medicaid requirements. If the facility is complying with Medicaid requirements and a provider agreement with the facility is not prohibited by DHS debarment rules, DHS enters into a provider agreement with the facility. This remedy will be applied in any category which results in the termination of the provider agreement.

Termination of Provider Agreement on the Basis of the Imposition of Enforcement Actions Three Times Within an Accountability Period.

(a) When the Provider Enrollment Section of DHS determines that DHS or HCFA has imposed required Category II or III remedies on a facility three times within an accountability period, a recommendation is made to terminate the facility's provider agreement.

(b) DHS notifies the facility in writing of its intention to terminate the facility's provider agreement. Notification occurs within:

(1) 3 calendar days from receipt of the recommendation of remedies for facilities found in immediate jeopardy.

(2) 15 calendar days from receipt of the recommendation of remedies for facilities not found in immediate jeopardy.

(c) The provider agreement is terminated on the 20th day after the facility receives notice of DHS's decision to terminate the provider agreement.

(d) The appeal for this remedy is the appeal on the issue of noncompliance that led to the imposition of enforcement actions for the third time within the accountability period. Appeals for this remedy follow the federal procedures in 42 CFR 498 for dually-participating facilities or in 42 CFR 431 for Medicaid-only facilities.

(e) Accountability period - A 24-month period which begins each time a required Category II or III remedy is imposed on a facility. Accountability periods may overlap.

STATE	<u>Texas</u>	A
DATE RECD	<u>AUG 15 1995</u>	
DATE ACTD	<u>JAN 12 1996</u>	
DATE EN	<u>JUL 01 1995</u>	
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